

AB:JV  
F. #2020R00020

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

COMPLAINT

- against -

(18 U.S.C. § 922(g)(5)).

YAOYU ZHANG,

20-MJ-27

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

Todd C. Roth, being duly sworn, deposes and states that he is a Task Force Officer with the Drug Enforcement Administration, duly appointed according to law and acting as such.

On or about Date, within the Eastern District of New York and elsewhere, the defendant YAOYU ZHANG, knowing that he was an alien unlawfully in the United States, did knowingly and intentionally possess a firearm in and affecting interstate or foreign commerce, to wit, a Beretta Serial Number 745523, .380 caliber automatic, and ammunition in and affecting interstate or foreign commerce, to wit, Winchester ammunition.

(Title 18, United States Code, Section 922(g)(5))

The source of your deponent's information and the grounds for his/her belief are as follows:<sup>1</sup>

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<sup>1</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

6. At approximately 8:23 p.m., DEA agents and Task Force Officers, and a New York Police Department canine handler executed the search warrant on the SUBJECT PREMISES.

7. During the search of the SUBJECT PREMISES, DEA agents and Task Force Officers saw a closed bag hanging on the back of a door to ZHANG's office. In searching the bag for narcotics and money pursuant to the search warrant, the agents and officers found an unloaded firearm, a separate magazine fully loaded with ammunition and a container of ammunition containing both hollow point and ball ammunition.

8. The firearm was a Beretta Serial Number 745523, .380 caliber automatic.

9. I have conferred with the Bureau of Alcohol, Tobacco and Firearms ("ATF"). An ATF Nexus expert confirmed, in substance and in part, that Beretta firearms are manufactured outside of the State of New York and have never been manufactured within the State of New York.


10. The container of ammunition states on the side "WINCHESTER WESTERN DIVISION, OLIN CORPORATION, EAST ALTON, IL. MADE IN U.S.A. METALLIC CARTRIDGES." The ATF Nexus expert also confirmed that Winchester ammunition is manufactured outside of the State of New York and has never been manufactured within the State of New York.

11. On February 1, 2005, an Immigration Judge denied an application for asylum and withholding of removal, and found that ZHANG was removable. ZHANG appealed the decision and the appeal was dismissed on March 31, 2006. The March 31, 2006 Order permitted ZHANG to voluntarily depart from the United States, but stated that in

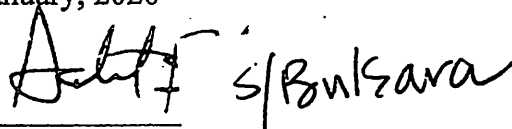
the event ZHANG failed to do so within 60 days of the order or any extension beyond that time, ZHANG was to be removed as provided by the Immigration Judge's prior Order. I have reviewed the United States Department of Homeland Security Alien File for ZHANG, filed under A97-122-617, and there is no record within that file of ZHANG leaving the country after the March 31, 2006 Order.

12. A review of available online records shows that there was another Alien File opened under the name Yaoyi Zhang, but including fingerprints matching the defendant ZHANG's fingerprints. The DEA has been unable to obtain that Alien File from Washington, D.C. yet. Nonetheless, a review of available online records shows that a separate asylum application was both made and denied under that name. Accordingly, it is my belief that the defendant ZHANG knows that he is an alien unlawfully in the country.

WHEREFORE, your deponent respectfully requests that the defendant YAOYU ZHANG be dealt with according to law.

  
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Todd C. Roth  
Task Force Officer, Drug Enforcement  
Administration

Sworn to before me this  
8th day of January, 2020

  
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THE HONORABLE SAN  
UNITED STATES MAGI  
EASTERN DISTRICT OF